

THE GEORGE WASHINGTON UNIVERSITY  
Washington, DC

MINUTES OF A REGULAR MEETING  
OF THE FACULTY SENATE HELD ON  
MARCH 11, 1994, IN LISNER HALL  
ROOM 603

The meeting was called to order by President Trachtenberg at 2:22 p.m.

Present: President Trachtenberg, Vice President French, Boswell, Brewer, Carson, Cohn, Divita, Fowler, Goulard, Gupta, Keimowitz, Kirsch, Pelzman, Robinson, Salamon, Seavey, Silber, Smith, and Wallace

Absent: Registrar Gaglione, Parliamentarian Schechter, Captain, East, Elgart, Englander, Friedenthal, Frieder, Harrington, Holmes, Johnston, Mahmood, Miller, Mitchell, Park, Schiff, and Vontress

APPROVAL OF MINUTES

The minutes of the regular meeting of February 18, 1994, were approved as distributed.

RESOLUTIONS

I. RESOLUTION 93/6, "A RESOLUTION ON THE ACTIVE PARTICIPATION OF THE FACULTY IN UNIVERSITY GOVERNANCE"

Professor Cohn, Chair, of the Professional Ethics and Academic Freedom Committee, said that the suggestion for this resolution emanated from faculty in Administrative Sciences. He explained that last fall Professor Joseph Zeidner, Chair, Administrative Sciences Program, met with him to discuss a situation that had arisen in the Administrative Sciences Program in which one of their programs (Management Information Systems) was transferred from Columbian College/Graduate School of Arts and Sciences to the School of Business and Public Management. Professor Zeidner indicated that this came as a surprise and was very distressing to the faculty in Administrative Sciences, particularly since, six months prior to this transfer, they had received a very favorable peer review and apparently a good review from the administration. The faculty indicated that this change also involved the transfer of some faculty to different schools, and had taken place without any meaningful consultation with the faculty. Professor Cohn said that the faculty, while sufficiently distressed about this change in their own programs, felt it really represented a broader issue and therefore asked the PEAFC Committee to look into it. They thought that there should be some action by the Faculty Senate to

try to insure that there would be meaningful consultation with faculty before a decision is made to transfer programs and faculty to different schools in keeping with the provisions of the Faculty Code. Professor Cohn said that the PEAFF Committee reviewed material provided by the faculty of the Administrative Sciences and by Dean Salamon, and, consequently, prepared the resolution before the Senate. He pointed out that subsequent to the distribution of Resolution 93/6 with the Senate's agenda, the PEAFF Committee modified some language in the Second RESOLVING clause. Professor Cohn then moved the introduction of a substitute resolution, copies of which were distributed to the Senate members. The motion was seconded. No objections were made to the consideration of the substitute and the Chair ruled the substitute resolution was accepted for consideration in place of the original Resolution 93/6. Professor Cohn explained that the substitute was essentially the same as the original resolution except for the amended Second RESOLVING clause that now reads as follows: (amendments underlined)

- (2) That in matters such as departmental dissolution or consolidation, curriculum, revision, or faculty transfer between schools, the appropriate faculty bodies at the program, departmental and school levels and, where appropriate, the Faculty Senate be informed sufficiently in advance in order to provide for meaningful participation in the decision-making process as prescribed in the Faculty Code and the ordinances and bylaws of the particular school;

Professor Cohn, on behalf of the Professional Ethics and Academic Freedom Committee, then moved the adoption of Substitute Resolution 93/6, and the motion was seconded.

Professor Cohn emphasized that this resolution was in no way intended to judge the merits of the dispute between the Administrative Sciences faculty and the administration, but represented a generic resolution for future cooperation between the administration and the faculty when decisions are made regarding programmatic changes and faculty transfers of this type. In that regard, the President pointed out that the language in the Third WHEREAS clause infers a statement of fact in that it reads: "they [the faculty] were denied participation in the decision-making process," and he suggested that the word "allegedly" be inserted before the word "denied." Professor Cohn accepted the amendment, and it was seconded. The question was called, and the amendment was passed.

Vice President French said that he wished to thank the PEAFF Committee for its work because he viewed this resolution as an attempt to bring to a constructive conclusion an episode in which there were some stresses and strains in the exercise of shared governance in the making of decisions regarding academic programs,

and he gladly joined in affirming and reaffirming the rights and responsibilities of the faculty in these matters as stated. However, in order that this resolution itself does not in some future time become the occasion for more stresses and strains in shared governance, he said he wished to be very clear, in terms of the legislative history, that the Faculty Code takes precedence over the ordinances or bylaws of a particular school which may be contrary to or go beyond the provisions stipulated in the Code. With respect to the Third RESOLVING clause, Vice President French said that he regarded that as an explicit statement of what is presently a requirement in the Faculty Code, i.e., that the requirement for consultation now must take the form of a written statement and opportunity provided for a formal response. He said if he was correct in his understanding of that language this would in a sense go beyond the language of the current Faculty Code but it simply makes explicit what the expectation is for the fulfillment of that Code requirement. Professor Cohn said he thought Vice President French's understanding of the language of the Third RESOLVING clause was fair because there has been considerable concern by many faculty on what the precise meaning of "consultation" implies and the language in this clause spells out what the expectation is.

Professor Seavey said that he thought it appropriate that Vice President French should speak to this question because he recalled some years ago in the Senate there were some awkward administrative decisions that had to be made, and Vice President French mentioned that in a neighboring university various whole programs had been eliminated by administrative fiat but that he felt unqualified to do it quite that way. Professor Seavey stated that it seemed to him that this resolution begins the spirit of the way the administration, at least, plans to be doing things, but he said, there is another dimension of this that calls for the faculty to be involved in what will sometimes be awkward decisions, and the faculty will have to share that responsibility.

The question was called, and Substitute Resolution 93/6, as amended, was adopted. (Substitute Resolution 93/6, as amended, is attached.)

#### INTRODUCTION OF RESOLUTIONS

No resolutions were introduced.

#### REPORT OF THE FACULTY MEMBERS ON THE AD HOC COMMITTEE ON THE BOARD OF TRUSTEES' RESOLUTION ON THE APPEALS PROCESS WITH RESPECT TO NONCONCURRENCES

Professor Robinson presented the following brief update on the

work of the Ad Hoc Committee:

The Executive Committee appointed three of its members (Dennis Holmes, Gerald Johnston and Lilien Robinson) and two members of the Committee on Professional Ethics and Academic Freedom (Victor Cohn and Jeffrey Henig) to hold preliminary meetings with administration representatives in effort to comply with the April 15, 1994, deadline set by the Board of Trustees in its resolution of February 10, 1994.

The representatives of the administration appointed to the Committee are Dean Jack Friedenthal and Dean Linda Salamon. At the request of the Faculty Senate Executive Committee, Vice President French also joined the Committee.

The Committee met for the first time on Tuesday, March 8, attempting to define the respective goals, concerns and requirements of the faculty and the administration. There was a preliminary discussion of alternative systems of appeal. These included the following:

- (1) Faculty Representatives suggested the utilization of GWU faculty members to serve as an appellate body to hear appeals. This appellate group might be structured as a panel or committee of elected University-wide faculty members. The faculty panel or committee would be the final step in the nonconcurrence process.
- (2) Administration Representatives suggested the appointment or election of a University-wide faculty committee or panel, which would review nonconcurrence cases and render advisory opinions to the President, who would make the final decision.

Thus, there was still a wide distance between the faculty's position which was seeking to preserve its present primacy in faculty personnel decisions and the position of the administration which seeks to institute a system of administrative (presidential) veto.

However, we would like to stress that these were preliminary discussions and the discussion continues in the hope that any gulf that exists can be bridged. To that end, the Committee agreed to prepare specific written proposals (for an alternative appeal process for administrative nonconcurrences) as the basis of a systematic and extensive discussion at its next meeting on March 23rd.

The discussions and proposals coming from the Ad Hoc Committee will then frame the basis of the Senate's deliberations at its Special Meeting on March 25th.



We continue to earnestly solicit your thoughts and assistance.

GENERAL BUSINESS

I. NOMINATION FOR ELECTION OF THE NOMINATING COMMITTEE FOR THE 1994-95 EXECUTIVE COMMITTEE

Professor Robinson, on behalf of the Executive Committee, moved the following nominations for election to the Nominating Committee: Professors Victor H. Cohn (Medical), Convener; Robert Goulard (SEAS); Dennis H. Holmes (SEHD); Roger E. Schechter (Law); Stefan O. Schiff (CCGSAS); and Susan J. Tolchin (SBPM). There were no additional nominations from the floor, and the nominees were elected unanimously.

II. REPORT OF THE EXECUTIVE COMMITTEE

Professor Robinson reported on the activities of the Executive Committee. (The report is enclosed.)

III. INTERIM REPORTS OF SENATE COMMITTEE CHAIRS

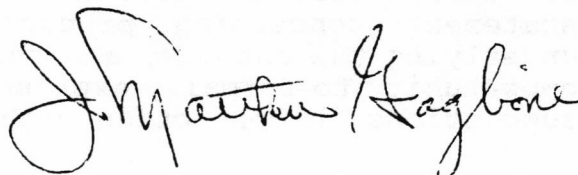
Professor Kirsch, Co-Chair, Appointment, Salary and Promotion Policies Committee, reported that the Executive Committee had requested the Committee to undertake a review of the two-year benefits' limitation on long-term disability insurance and the out-patient prescription drug cap for the GWU Health Plan. Professor Kirsch said that this request had been referred to the Benefits Review Committee which is awaiting the response of the insurance companies. When that information is received, he said he will report back to the Senate.

BRIEF STATEMENTS (AND QUESTIONS)

Professor Kirsch said he wished to commend both the Colonial Women's Basketball Team and the Colonial Men's Basketball Team on how well they have done so far this year and he hoped they would continue to do well.

ADJOURNMENT

Upon motion made and seconded, President Trachtenberg adjourned the meeting at 2:42 p.m.



J. Matthew A. Gaglione  
Secretary

**SUBSTITUTE**

**A RESOLUTION ON THE ACTIVE PARTICIPATION OF THE FACULTY IN UNIVERSITY GOVERNANCE (93/6)**

- WHEREAS,** the Faculty Code, Article IX Section A, establishes the rights and responsibilities of the faculty in the governance of the University, in the "development, revision, or elimination of curricular offerings of each department, ..." and in the "creation, consolidation, or elimination of departments, ....";
- WHEREAS,** the Faculty Code, Article IX Section B, requires that the faculty be provided in a timely manner with information necessary for the development of sound, well-informed recommendations regarding such matters;
- WHEREAS,** in the past, the faculties of some schools, departments or programs concerned have stated and brought to the attention of the Faculty Senate that they were allegedly denied participation in the decision making process leading up to the "development, revision or elimination of curricular offerings of each department, ..." or the "creation, consolidation or elimination of departments, ..." or programs; NOW, THEREFORE

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY**

- (1) That as the Faculty Code is clear on the issue of meaningful participation of the faculty in the governance process, that the rights of and the responsibilities of the faculty be reaffirmed; and in particular
- (2) That in matters such as departmental dissolution or consolidation, curriculum revision, or faculty transfer between schools, the appropriate faculty bodies at the program, departmental and school levels and, where appropriate, the Faculty Senate be informed sufficiently in advance in order to provide for meaningful participation in the decision making process as prescribed in the Faculty Code and the ordinances and bylaws of the particular school; and
- (3) That in advance of any such proposed changes the officers of administration provide the faculty with a written statement concerning proposed changes and the reasons underlying the changes, and that the faculty be afforded the opportunity to formally express their views and offer written suggestions in connection with such changes.

Professional Ethics and Academic Freedom Committee  
February 14, 1994

Adopted, as amended, March 11, 1994

REPORT OF THE EXECUTIVE COMMITTEE  
MARCH 11, 1994  
PROFESSOR LILIE F. ROBINSON, CHAIR

BOARD OF TRUSTEES' RESOLUTION CHANGING THE APPEAL PROCESS FOR  
NONCONCURRENCES

A Special Meeting of the Faculty Senate has been called for Friday, March 25, at 3:10 p.m., in Lisner Hall 603, for the purpose of discussion of an alternative appeal process for administrative nonconcurrences in light of the Resolution of the Board of Trustees changing the appeal process for nonconcurrences. There will be at that time a report on the discussions of the Ad Hoc Committee of faculty and administration which has been addressing the matter of alternative appeals processes for nonconcurrences.

Please be reminded that this matter should be brought up for discussion by Senate representatives before colleagues in their respective schools, prior to the April 8th Senate meeting.

FACULTY ASSEMBLY

A Faculty Assembly has been scheduled for Wednesday, April 6th, at 3:30 p.m., in Lisner Auditorium.

One of the items on the agenda is a report with respect to the work of the Ad Hoc Committee on changing the appeal process for nonconcurrences and the Senate's discussion of the same matter at the March 25th Special Meeting of the Senate.

Another item on the agenda for the Faculty Assembly will be an update by Vice President Worth on Campaign Planning.

APRIL SENATE MEETING

The Agenda for the April Senate meeting includes the following:

- A vote on alternative appeal process for administrative nonconcurrences.
- Election of the Executive Committee of the Faculty Senate for the 1994-95 Session.
- Election of faculty for appointment by the President to administrative committees.

The next regular meeting of the Executive Committee is Thursday, March 24th. Reports or resolutions for the April Senate agenda should be received by the Executive Committee before that date.

Thank you.







THE GEORGE WASHINGTON UNIVERSITY  
WASHINGTON, DC

The Faculty Senate

February 28, 1994

The Faculty Senate will meet on Friday, March 11, 1994, at 2:10 p.m. in Lisner Hall 603.

AGENDA

1. Call to order
2. Short recess for the purpose of having a group photograph taken of the 1993-94 Faculty Senate
3. Approval of the minutes of the regular meeting of February 18, 1994
4. Resolutions:

A RESOLUTION ON THE ACTIVE PARTICIPATION OF THE FACULTY IN UNIVERSITY GOVERNANCE (93/6); Professor Victor H. Cohn, Chair, Professional Ethics and Academic Freedom Committee (Resolution 93/6 is attached.)

5. Introduction of Resolutions
6. Preliminary Report of the Ad Hoc Committee on the Board of Trustees' Resolution Changing Process for Handling Administrative Nonconcurrences with Faculty Personnel Recommendations, dated February 10, 1994 (please see NOTE below)
7. General Business:
  - (a) Nomination for election of the Nominating Committee for the 1994-95 Executive Committee (nominees to be announced)
  - (b) Report of the Executive Committee: Professor Lilien F. Robinson, Chair
  - (c) Interim Reports of Senate Committee Chairs
8. Brief Statements (and Questions)
9. Adjournment

  
J. Matthew Gaglione  
Secretary

NOTE: This matter will be the sole agenda item for discussion at a SPECIAL MEETING OF THE FACULTY SENATE scheduled for FRIDAY, MARCH 25, 1994, at 3:10 p.m. in Lisner Hall 603.

**A RESOLUTION ON THE ACTIVE PARTICIPATION OF THE FACULTY  
IN UNIVERSITY GOVERNANCE (93/6)**

**WHEREAS,** the Faculty Code, Article IX Section A, establishes the rights and responsibilities of the faculty in the governance of the University, in the "development,, revision, or elimination of curricular offerings of each department, ...," and in the "creation, consolidation, and elimination of departments, ...";

**WHEREAS,** the Faculty Code, Article IX Section B, requires that the faculty be provided in a timely manner with information necessary for the development of sound, well-informed recommendations regarding such matters;

**WHEREAS,** in the past, the faculties of some schools, departments or programs concerned have stated and brought to the attention of the Faculty Senate that they were denied participation in the decision making process leading up to the " development , revision or elimination of curricular offerings of each department, ... or the "creation, consolidation and elimination of departments,... " or programs.

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY**

- (1) As the Faculty Code is clear on the issue of meaningful participation of the faculty in the governance process, that the rights of and the responsibilities of the faculty be reaffirmed, and in particular**
- (2) That in matters of departmental dissolution or consolidation, curriculum revision, or faculty transfer between schools, the appropriate faculty bodies at the program, departmental and school levels and of the Faculty Senate be informed sufficiently in advance and be allowed to participate in the decision making process as prescribed in the Faculty Code, and**
- (3) That in advance of any such proposed changes the officers of administration provide the faculty with a written statement concerning proposed changes and the reasons underlying the changes, and that the faculty be afforded the opportunity to formally express their views and offer written suggestions in connection with such changes.**

Adopted by the Committee: 14 February 1994